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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,113	08/22/2003	Bernhard Jahn	02/047 ART	8446

7590 10/07/2005

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EXAMINER

SALVATORE, LYNDIA

ART UNIT PAPER NUMBER

1771

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,113	JAHN ET AL.	
	Examiner	Art Unit	
	Lynda M. Salvatore	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 20-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-19,30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/8/04,8/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Election/Restrictions***

1. Applicant's election with traverse of Group II, claims 16-19 and 31 in the reply filed on 7/21/05 is acknowledged. Applicant amended claims 20 and 30 such that they depend from claim 16. As such, Applicant requests to have claims 16-31 examined. In response, though claim 20 now depends from claim 16, it is the position of the Examiner that claims 20-29 recite manipulative method limitations, which would require a search that is not coextensive with the article claims. Thus, the restriction between the textile, yarn and method is maintained. However, newly amended claim 30 will be grouped with claims 16-19 and 31 and thus examined on the merits. The amended restriction is as follows.

- I. Claims 1-15, drawn to a textile fabric, classified in class 442, subclass 59+.
- II. Claims 16-19,30 and 31, drawn to a yarn, classified in class 428, subclass 364+.
- III. Claims 20-29, drawn to a method for making a textile fabric, classified in class 427, subclass various.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 16,18,30 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 16 is indefinite because it is not clear what Applicant means by “fluoropolymer coating immediately adjoining the synthetic fiber or filaments”. It is not understood if the fluoropolymer is just a coating or coating that adhesively joins the individual filaments of the yarn.

5. Claim 18 is indefinite because it is not clear to the Examiner what is meant by fluoropolymer fluorinated.

6. Claims 30 and 31 are indefinite because it is not clear how the recitation of “for producing” the claimed end products is further limiting. In other words, Applicant has only recited potential uses rather than final products.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 16-19,30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al., US 4,020,233 in view of Jahn, US 5, 397,629.

The patent issued to Dixon et al., teach surface fluorinating synthetic fibers in the form of yarns and textiles to impart soil and stain resistance as well as water absorbitivity (abstract, column 1, 25-32, column 6, 50-60, and column 7, 1-5). Dixon et al., does not explicitly teach further coating the yarns with a fluoropolymer coating composition,

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however, the patent issued to Jahn teaches a fluoropolymer coating composition used to coat sewing yarns and textile sheets (abstract). Jahn specifically teach that the fluoropolymer coating composition is free of conventional adhesion promoters (column 2, 30-38). Jahn specifically teaches that the fluoropolymer coating composition provides a good bond between the individual filaments of the yarn (column 4, 21-40). Jahn teaches providing textile fabrics such as knits, wovens, and non-wovens (column 3, 61-68). Jahn specifically teaches that the fluoropolymer coating provides high slip, chemical resistant and soil repellant characteristics (column 6, 25-34). With specific regard to claims 30 and 31 Jahn does not specifically teach forming any of the claimed final product structures, however, it is the position of the Examiner that the textile fabrics taught by Jahn could function in the claimed manner since Applicant has not set forth any other distinguishing product limitations.

Therefore, motivated by the desire to provide a textile yarn having the combination of high slip, chemical resistance, soil repellency and absorbitivity it would have been obvious to one having ordinary skill in the art to coat the surface fluorinated yarns of Dixon et al., with the fluoropolymer coating composition taught by Jahn.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 25, 2005

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